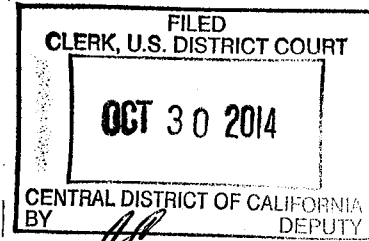


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UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION

BETWEEN THE LINES
 PRODUCTIONS, LLC, a California
 limited liability company,

Plaintiff,

v.

LIONS GATE ENTERTAINMENT
 CORP., a British Columbia corporation,
 and SUMMIT ENTERTAINMENT, LLC,
 a Delaware limited liability company,

Defendants.

Case No. 2:14-cv-00104-R (PJWx)

**[PROPOSED] JUDGMENT
 GRANTING IN PART AND DENYING
 IN PART DEFENDANTS' MOTION
 FOR SUMMARY ADJUDICATION**

Date: October 20, 2014
 Time: 10:00 a.m.
 Ctrm: 8
 Judge: Hon. Manuel L. Real

AND RELATED COUNTERCLAIMS.

Complaint filed: Dec. 16, 2013
 Trial Date: Nov. 25, 2014

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 The motion for summary adjudication (Dkt. 71) of Defendant Lions Gate
3 Entertainment Corp. ("Lions Gate") and Defendant and Counterclaimant Summit
4 Entertainment, LLC ("Summit") (collectively, "Defendants") came for hearing on October
5 20, 2014. Having read and considered Defendants' motion, the papers filed in support
6 thereof and the papers filed in opposition thereof, and all argument of the parties, the Court
7 finds that Defendants' motion is GRANTED IN PART AND DENIED IN PART.

8 Accordingly, the Court HEREBY ORDERS as follows:

9 1. Lions Gate's motion as to all claims against it is GRANTED. There is no
10 triable issue of material fact as to whether Lions Gate is a proper party for Count I (Non-
11 Infringement), Count II (Non-Infringement/Non-Dilution) and Count III (Prima Facie
12 Tort) in Plaintiff and Counter-Defendant Between the Lines Productions, LLC's ("BTL")
13 complaint in this matter (Dkt. 1.) As such, summary adjudication in favor of Lions Gate as
14 to all claims in BTL's complaint is proper.

15 2. Summit's motion as to Count III (Prima Facie Tort) is DENIED. There is an
16 issue of material fact as to whether Summit's statute of limitations defense acts as a bar to
17 Count III. Accordingly, summary adjudication on statute of limitations grounds on Count
18 III against Lions Gate is improper.

19 3. Summit's motion as to the following affirmative defenses in BTL's answer
20 to Summit's counterclaims (Dkt. 45) is GRANTED because there are no triable issues of
21 material fact:

- 22 (a) First Defense (Failure To State A Claim)
- 23 (b) Fourth Defense (Waiver/Forfeiture)
- 24 (c) Fifth Defense (Estoppel)
- 25 (d) Seventh Defense (Unclean Hands)
- 26 (e) Eighth Defense (Illegality)
- 27 (f) Ninth Defense (Acquiescence)
- 28 (g) Tenth Defense (License)

- 1 (h) Eleventh Defense (Assumption of Risk)
- 2 (i) Fourteenth Defense (Preemption)
- 3 (j) Sixteenth Defense (Invalidity)
- 4 (k) Seventeenth Defense (Independent Creation)
- 5 (l) Eighteenth Defense (Improper Transfer of Venue under 28 U.S.C.

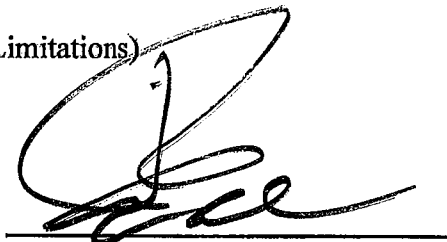
6 1404(a))

7 4. Summit's motion as to the following affirmative defenses in BTL's answer
8 to Summit's counterclaims is DENIED because there are triable issues of fact:

- 9 (a) Second Defense (Laches)
- 10 (b) Third Defense (Statute of Limitations)

11 **IT IS SO ORDERED.**

12
13 Date: 10-30-14



Hon. Manuel L. Real